

REMARKS

Claims 1-23 remain in the application. Only claim 1 is in independent form. Claims 6, 8, 16, and 18 are herein canceled without prejudice. Claim 1 has been amended, and support can be found in former claim 6 and paragraph [0018] as further explained below. No new matter has been added.

Claims 1-3, 6-13, and 16-21 stand rejected under 35 U.S.C. § 102(b), as being anticipated by JP 2001354156 to Yagi. Specifically, the Office Action holds that Yagi discloses an omnidirectional mobility device as shown in Figures 1 and 6, comprising active drive spherical means (w) for actively enabling omnidirectional movement and active drive means directly engaging said spherical means providing frictional engagement to drive said spherical means, wherein said spherical means is a globe (33). The Office Action makes further statements regarding the dependent claims. Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by Yagi, as applied to the claims, is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

When read closer, Yagi discloses a device having three or more drive wheel assemblies having a spherical drive wheel mounted in a base. In each

drive wheel assembly, an upper portion of the spherical drive wheel is supported by a top support roller and an outer circumference of the spherical drive wheel is circumferentially supported by three or more outer circumferential support rollers at intervals. Each of these rollers rotates around one axis. By driving each of these individual rollers in their own direction, omnidirectional movement can be obtained. From a translation of paragraph [0016] of Yagi, "a vector sum of the driving force of each spherical drive wheel becomes the driving force of the omnidirectional mobile device in the traveling direction." Thus, critically, it is not an individual roller or drive assembly that can rotate in an omnidirectional manner, but all of the different rollers are required to provide omnidirectional movement of the device.

In contradistinction, while the drive mechanism (i.e. the active drive means) can include multiple drive mechanisms 15, ball bearings, wheels, etc. as described in paragraph [0018], each one of these moves in an omnidirectional manner, and not around a single axis as in Yagi. Individual movements do not combine into omnidirectional movement, because each drive mechanism moves in any direction, and therefore one drive mechanism or multiple drive mechanisms can provide omnidirectional movement in the present invention. In other words, the movement of the active drive means are fundamentally different in Yagi and the present invention. See also paragraph [0020], describing how the ball bearings move in any direction through force imported by the motor:

[0020] In yet another embodiment, as shown in FIG. 2, the controlled drive mechanisms 15 are ball bearings wherein control is provided by the motor that is preferably mounted to a plate such that ***it imparts rotational force in any direction to produce rotation for forward or rearward movement,*** while at the same time not precluding rotation of the sphere. The rotation causes a turning movement of the vehicle with respect to the sphere 12 and the sphere 12 then rotates about a vertical pivot axis if the motor is not energized, causing the vehicle to veer to the left or right if the vehicle is being

driven translationally either forward or rearward by the motor.

Therefore, since Yagi does not disclose active drive means including a drive mechanism capable of moving in any direction (i.e. omnidirectional movement) as set forth in the presently pending independent claims, the claims are patentable over Yagi and reconsideration of the rejection is respectfully requested.

Claims 4, 5, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yagi. Specifically, the Office Action holds that Yagi does not disclose a globe having a coating formed of a resin. Reconsideration of the rejection under 35 U.S.C. §103(a), as being unpatentable over Yagi is respectfully requested.

"Any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed"; however, that reason must be present for the combination to be obvious. *KSR Intern Co. v. Teleflex*, 127 S. Ct. 1727, 1742, U.S. (2007). This requirement was confirmed in *Takeda Chem. Indust., et al. v. Alphapharm*, No. 06-1329 (Fed. Cir. 2007).

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." MPEP Section 2143.

"The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art." *KSR International Co. v. Teleflex Inc.*, 83 UDPQ2d 1385, 1395 (2007) and MPEP Section 2143.

As stated above, Yagi does not disclose each and every element of the presently pending independent claim. Therefore, Yagi cannot render the dependent claims obvious.

Since neither the cited references alone or in combination with knowledge in the art suggest the currently claimed invention, it is consequently respectfully submitted that the claims are clearly patentable over the combination, even if the combination were to be applied in opposition to applicable law, and reconsideration of the rejection is respectfully requested.

Claims 22 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yagi. Specifically, the Office Action holds that Yagi does not disclose use of the device on a forklift or automobile, and U.S. Patent No. 6,340,065 to Harris discloses the use of an omnidirectional wheel on a forklift to reduce vibration. Therefore, it would have been obvious to modify the omnidirectional forklift of Harris using the omnidirectional wheel of Yagi. Reconsideration of the rejection under 35 U.S.C. §103(a), as being unpatentable over Yagi is respectfully requested.

As stated above, Yagi does not disclose each and every element of the presently pending independent claim. Combining Yagi with Harris does not make up for the deficiencies stated above, and therefore, the present invention is not obvious in view of Yagi and Harris.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

It is respectfully submitted that the present amendment places the application in condition for allowance as it removes all remaining issues in dispute. Specifically, the amendment further defines the active drive means by including the drive mechanism of dependent claim 6. The claims have been made no broader in scope thereby requiring no further searching and raising no new issues. In fact, all claims now include limitations of previously pending claims and were therefore previously searched. Since there is no prior art cited against any of these claims, it is respectfully submitted that all of the claims are in condition for allowance.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

/Kenneth I. Kohn/
Kenneth I. Kohn, Reg. No. 30,955
Customer No.: 48924

Dated: October 7, 2009

CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

Date of Electronic Filing: October 7, 2009

I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on the above date.

/Natalie Zemgulis/
Natalie Zemgulis